

# KNOW THE AFRICAN HUMAN RIGHTS JURISPRUDENCE ON WOMEN'S (AND GIRLS) RIGHTS

Case filed before the African Court on Human and Peoples' Rights in 2016  
Application 046/2016 – APDF & IHRDA v. Republic of Mali  
Judgement pronouncement date: 11 May 2018



**Subject Instruments:** The Maputo Protocol, the African Charter on the Rights and Welfare of the Child and the UN Convention on the Elimination of All Forms of Discrimination Against Women.



**The Applicants alleged the following violations by the Respondent State:**

- i. Violation of the minimum age of marriage for girls** (Article 6.b of the Maputo Protocol and Articles 1(3), 2 and 21 of the African Charter on the Rights and Welfare of the Child (ACRWC)
- ii. Violation of the right to consent to marriage** (Article 6.a of the Maputo Protocol and Article 16(a) and (b) of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- iii. Violation of the right to inheritance** (Article 21(2) of the Maputo Protocol and Articles 3 and 4 of ACRWC)
- iv. Violation of the obligation to eliminate traditional practices and attitudes that undermine the rights of women and children** (Article 2(2) of the Maputo Protocol, 5(a) of the CEDAW and 1 (3) of the ACRWC)



**The African Court Judgement:** found the Malian Persons and Family Code inconsistent with the Maputo Protocol; the African Charter on the Rights and Welfare of the Child and the UN Convention on the Elimination of all forms of Discrimination against Women.



**Court's Order:** Among others, the Republic of Mali was ordered by the African Court to revise its 'Persons and Family Code' to align it with its international obligations under the subject legal instruments.



**IMPORTANT TO NOTE:** This is the first case in which the African Court on Human and Peoples' Rights made pronouncement on violation of the Maputo Protocol. The reasoning followed by the African Court in this judgment creates a precedent that may be used when dealing with similar violations in other States that are parties to the African Court Protocol.



**Read the Full Judgement of this case on the African Court website:** <https://www.african-court.org/cpmt/storage/app/uploads/public/5f5/215/dbc/5f5215dbcd90b917144785.pdf>



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